

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

JUN 23 2004

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA)

vs.)

ERIC ROBERT RUDOLPH)

Case No. CR-00-S-422-S *WJ*

ENTERED

JUN 24 2004

ORDER

This matter is before the court on defendant's motion to reconsider the trial date currently set for August 2, 2004 (doc. no. 222). The court has carefully considered both the public's interest in a speedy trial and the defendant's need to put forth an adequate defense in the light of all materials filed by the parties, and concludes that the trial of this matter cannot begin on the scheduled date. The sheer volume of discovery that still must be organized and assimilated by defense counsel is staggering. Further, the master jury wheels under the Court's Jury Plan are scheduled to be refilled at the end of this calendar year using the voter registration lists for the November 2, 2004 general election.¹ Waiting to use the newly constituted

¹ See Northern District of Alabama Plan for Random Selection of Grand and Petit Jurors which provides:

A. Source Lists

The names of persons to be considered for service as grand or petit jurors shall be randomly selected from official voter registration lists maintained by the State of Alabama or local election officials of the counties comprising the district for the most recent federal general election held in the fall of even-numbered years. The

jury wheels for the Northern District of Alabama will reap great benefits for all in achieving a fair trial by impartial jurors. Finally, the extensive jury selection procedure contemplated by the court, and necessary in a case of this magnitude, further demands a continuance.

The court finds that the ends of justice served by continuance outweigh the interests of the public and defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8). *See also United States v. Henry*, 698 F.2d 1172, 1174 (11th Cir. 1983) (listing appropriate factors for consideration under the Speedy Trial Act, such as anticipated trial time, adequate time for defense counsel to prepare, etc.) This continuance is not due to the fault of either party. Indeed, the court would like to commend all counsel, both for the government and defendant, for their continuing efforts to proceed as

clerk shall secure such lists from appropriate State or county officials in the form of electronic database media, compensating the State or counties at the rates required by Alabama law.

C. Emptying and Refilling Master Jury Wheels

Each master jury wheel shall be emptied and refilled at least every four years using voter registration lists from the most recent federal general election. If it should at any time appear that the names in a given master wheel will be exhausted before the prescribed time for refilling, the chief judge may order that it be refilled in advance of that time, and such refilling shall be in lieu of, and not in addition to, the next prescribed refilling. The number of names to be placed in a particular master jury wheel when refilling it shall be determined in the same manner described in section IV.B *supra*.

Id., §§ IV(A) and (B), at 2-3.

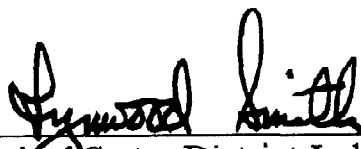
expeditiously as possible with regard to all pretrial matters. Accordingly, defendant's motion is GRANTED.

The following deadlines are now in effect. Deadlines requiring action by the parties are emphasized in bold print.

July 12, 2004	Agreed jury questionnaire due; any additional jury questions not agreed to also will be filed with objections to the question and supporting arguments stated beneath each.
July 19, 2004	Government to produce to defendant summaries of all opinions and testimony as defined by FRE 702, 703, and 705.
August 13, 2004	Defendant's Rule 12(b) notices due. Government and Defendant required to file briefs addressing the propriety of (and authority for) empaneling an anonymous jury.
September 7, 2004	Defendant to produce to government summaries of all opinions and testimony as defined by FRE 702, 703, and 705.
September 13, 2004	Motions to Suppress due.
October 4, 2004	Responses to Motions to Suppress due.
November 20, 2004	Daubert Motions due.
December 15, 2004	Responses to Daubert Motions due.
January 10, 2005	All other pending motions, including motions in limine, due.

January 31, 2005	Responses to all other pending motions, including motions in limine, due.
February 7, 2005	Proposed jury instructions due.
February 7, 2005	Notice will issue to potential jurors, along with letter from the court, to answer additional questionnaire.
February 21, 2005	Responses to additional juror questionnaire to be returned to the court for review by this date.
March 7, 2005	Summons will issue to potential jurors to appear on March 23, 2005, to fill out extensive written questionnaires.
March 22, 2005	Pretrial conference.
March 23, 2005	Jury selection begins with extensive written questionnaires to be filled out on the premises at a location to be designated by the court.
March 28-April 9	Attorneys review responses to questionnaires.
April 16, 2005	Attorneys submit strikes for cause in writing to the court, copying opposing counsel, by this date.
April 20, 2005	Hearing on strikes for cause.
April 22, 2005	Court issues summons for individual jurors to appear on May 2, 2005.
May 2, 2005	Individual voir dire of potential jurors begins.
May 24, 2005	Estimated date for opening statements.

DONE this 23rd day of June, 2004.


United States District Judge